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OO RUEHBI RUEHCI  
DE RUEHKT #0374/01 0921045  
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FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8253  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 6386  
RUEHLM/AMEMBASSY COLOMBO PRIORITY 6707  
RUEHKA/AMEMBASSY DHAKA PRIORITY 1993  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 4740  
RUEHLO/AMEMBASSY LONDON PRIORITY 5956  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2316  
RUEHSA/AMEMBASSY PRETORIA PRIORITY 0053  
RUEHCI/AMCONSUL KOLKATA PRIORITY 4091  
RUEHBI/AMCONSUL MUMBAI PRIORITY 3793  
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY  
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RHEHNSC/NSC WASHDC PRIORITY  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3131

C O N F I D E N T I A L SECTION 01 OF 04 KATHMANDU 000374

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E.O. 12958: DECL: 04/01/2018

TAGS: [PGOV](#) [PTER](#) [KDEM](#) [EAID](#) [NP](#)

SUBJECT: NEPAL: CAREENING TOWARD ELECTION IN NINE DAYS

REF: A. KATHMANDU 341

[1](#)B. KATHMANDU 309

Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d).

Summary

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[1](#)1. (SBU) Nine days before the April 10 Constituent Assembly election, the Election Commission is on track with its preparations. Meanwhile, the legal system established for resolving electoral disputes does not inspire confidence, according to a key Embassy contact. Poll-related violence, primarily by the Maoists, is increasing, as the UN Mission in Nepal has reported. Armed Madhesi groups in the Terai refused proffered talks with the Government of Nepal (GON) because the GON did not meet their preconditions. The groups launched a Terai strike instead. Nevertheless, the electoral outlook in the Terai appears to be improving as the Madhesi parties settle into their campaigns and district officials finalize logistics.

Election Commission on Track with Ballots...  
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[1](#)2. (C) Peter Erben, country director for IFES, reported on March 28 that the Election Commission (EC) is on track with its Constituent Assembly (CA) election preparations and training of polling officials, but transportation and distribution logistics remain a concern. The EC, previously unable to fill all volunteer positions, has improved staff recruitment in hotspot areas of the Terai. Erben projected the USAID-sponsored ballot printing would finish on March 31, four days ahead of schedule, and that ballots should be distributed to districts on time. IFES is assisting the domestic NGO Democracy and Election Alliance Nepal (DEAN) with the Nepal Election Portal ([www.nepalelectionportal.org](http://www.nepalelectionportal.org)), a website that provides extensive election information and which will post analysis of election results, including parallel vote tabulation, EC-provided constituency-level results, and a database linked to candidate and party information. Erben suggested that the portal would be able to help validate election results, which could be useful if, as expected, some results are contested.

### ...And Cleaning Up Candidate Lists

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13. (SBU) Separately, the United Nations Mission in Nepal (UNMIN) noted in its weekly activities update on March 27 that the EC is vetting proportional representation lists and will publish the final lists on April 4. The EC received objections against three candidates, all government employees, who may be disqualified from their closed lists. The EC has also found 22 candidates to be under-aged, 253 candidates who failed to provide proof of citizenship, 10 candidates running in both proportional representation and first-past-the-post (FPTP) races, and five candidates listed under two different parties. On March 24, the EC informed the Supreme Court that the GON's much-criticized and since-suspended decision to allocate one million rupees (approximately USD 15,873) to each Member of Parliament violated the electoral Code of Conduct.

### Courts Problematic

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14. (C) Erben told the Ambassador March 28 that the significance of the CA election and the increase since the last general election in 1999 in political awareness broadly may lead to a flood of electoral litigation. This is problematic because of a weak judiciary and an arcane adjudication system. Erben lamented the lack of real due process, describing the situation of a FPTP candidate from Jhapa who recently had his candidacy canceled by the returning officer because the candidate was allegedly a loan defaulter. The special CA Court will hear his appeal, but it

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does not have to do so before the election. Under the law, it has three months to decide. Such a lengthy time to decide cases may make unresolved issues worse. Erben concluded that, in his opinion, the election will not be free and fair, but it is fair to hope that broadly-accepted results could contribute to peace, stability, and democratization of the country.

### Poll-Related Violence Increasing

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15. (U) Chief Election Commissioner Bhojraj Pokharel summoned Nepali Congress (NC) party leader and Prime Minister G.P. Koirala, Communist Party of Nepal - United Marxist Leninist (UML) leader M.K. Nepal, and Communist Party of Nepal - Maoist chairman Pushpa Dahal (aka Prachanda) to his office on March 31 to address the growing poll-related violence. Prachanda assured M.K. Nepal at the latter's residence on March 30 that he would command Young Communist League (YCL) cadres to stop attacking members of other parties, according to media reports. In their second joint election report released the same day, UNMIN and the Office of the High Commissioner for Human Rights cited as the main threats to campaigning a surge in obstruction, intimidation, and violence between the Maoists and other political parties and activities by armed groups in the Terai opposed to the election. A clash between NC and YCL cadres at a mass meeting in Solukhumbu in the eastern hills on March 26 left one Maoist dead and Bal Bahadur KC, the NC candidate from the constituency, severely wounded. Another Maoist cadre was killed in Kapilvastu in the western Terai the same week.

### Two Killed in Biratnagar Mosque Bombing

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16. (U) Two people were killed and two others seriously injured when a bomb exploded at a mosque in the eastern Terai city of Biratnagar (Morang) on March 29, coinciding with the visit of PM Koirala to his hometown. Koirala, talking to reporters at his Biratnagar residence the following morning, condemned the attacks and suggested the bombing could have been a response to the deteriorating six-party-plus-Maoist

alliance. Maoist district leader Puspa claimed royalists carried out the attack to derail the election. NC district president Amrit Aryal also accused anti-election entities of the bombing but did not specify a particular perpetrator. UNMIN chief Ian Martin issued a statement condemning the blast and appealing for calm. Residents from mainly the Muslim community held localized demonstrations and transportation strikes and closed the main markets in Biratnagar for a day, but an indefinite curfew imposed on the evening of March 29 was lifted the following morning.

#### Armed Madhesi Groups Refuse Talks

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17. (U) After much complaining that the GON has ignored them (reftels), four armed Madhesi groups ultimately refused proffered talks with the government because police had not complied with their demand to release their cadres from detention. Talks between the GON and the four groups -- Samyukta Janatantrik Terai Mukti Morcha, Terai Cobra, Madhesi Mukti Tigers, and Janatantrik Terai Mukti Morcha (JTMM) -- originally had been scheduled to occur in Janakpur on March 18. (Note: This current grouping does not include the two most active armed groups in the Terai, the Jwala Singh faction of the JTMM and Jai Krishna Goit's Akhil Terai Mukti Morcha. End note.) On March 28, a seven-member GON negotiation team led by Peace and Reconstruction Minister Ram Chandra Poudel had written a second invitation urging the groups to come to the table without preconditions, according to media reports. As of March 31, the talks have yet to be rescheduled, and the same groups had enforced a two-day "bandh" (strike) in the headquarters of four Terai districts starting March 31

#### Ambassador's Observations from Western Terai

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18. (C) During her March 26-27 trip to Banke district and Bardiya National Park in the western Terai, the Ambassador found government officials prepared for an election. The Banke Chief District Officer (CDO) claimed that the killing the previous week in Banke of a National People's Front candidate had been the work of common criminals hiding behind a political affiliation. The CDO held the U.S.-sponsored electoral street dramas in high regard. (Note: IFES-supported performers have been playacting their way through all 75 districts to educate Nepalis about the CA election. According to Peter Erben, the dramas have drawn satisfied crowds of a couple hundred to a couple thousand per performance. End note.) In Nepalgunj, the park warden and several staff had been pulled in as polling officials. The Ambassador saw few campaign flags but many EC posters. In remote villages, many flags were visible, and villagers had received the invitations to vote, which USAID's Office of Transition Initiatives printed for the EC. The Ambassador noted that, when other Nepalis were not around, many villagers admitted they thought the Maoists would do well in Bardiya.

#### More from the Terai: Violence Questionable

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19. (C) A contractor for USAID's Office of Transition Initiatives told the Ambassador on March 28 she no longer expected large-scale violence in the Terai. The contractor said the Madhesi parties, unable to capitalize on the Madhesi movement, now appeared willing to give the CA an opportunity to address Madhesi issues rather than insisting that Madhesi parties obtain a set percentage of votes and seats. On the other hand, the contractor said, the Maoist Young Communist League (YCL) cadres had been very active, openly displaying weapons and allegedly providing training to cadres along the border. Nevertheless, she said, the NC's prospects were looking better in the Terai. The Ambassador commented that,

during her recent trips to the Terai, she had seen more NC flags than UML or Madhesi party flags.

Mixed Confidence in NC and UML Locally, Nationally...

¶10. (C) Dominic Cardy, Country Director for the National Democratic Institute (NDI), reported on March 28 that at the local level, UML activists were enthused and standing up to the Maoists, but confidence levels in the NC were mixed. Cardy said that NC cadres have hired thugs in areas where they no longer have influence over the police. On the national level, the NDI country director observed decreased UML enthusiasm for an election as party cadres realized they could not fight the Maoists, but overall the UML was relatively positive. The NC has continued to comment publicly that an election may not be possible because of security concerns.

...And in Ramechhap

¶11. (C) Emboff heard similar remarks during a March 27-28 visit to Ramechhap, a hill district east of Kathmandu (septel). Laxman Ghimire, NC Central Committee Member and member of Parliament, told Emboff he had no faith the election could be held on April 10, and suggested the UML and NC would be better off working together to postpone the polls and sideline the Maoists. Dev Shankar Poudel, the UML candidate from Ramechhap constituency number one, told Emboff at the same meeting that postponing the election without a guarantee of peace would be useless, but having candidates continue to risk their lives for a clearly unfair election would be equally useless. (Note: Poudel was the victim of a Maoist attack while campaigning on March 12. He sustained a serious head injury and still had difficulty walking when he met Emboff on March 27. End note.) Poudel said the best choice would be to persevere through this crucial period.

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Comment

¶12. (C) Cancellation of the Constituent Assembly election seems unfathomable with only nine days to go, but increasing violence, particularly by the Maoists, and a resulting decrease in confidence within the UML and at best a mixed picture within the Nepali Congress means that option cannot be completely ruled out. Certainly the Maoists have little reason for confidence despite their bold assertions of imminent victory. Visits to various districts reveal a nation of voters who eagerly desire change yet are still doubtful, at least in some districts, that it can happen in the current electoral climate. On March 31, the Chief Election Commissioner met with the leaders of the three major parties -- NC, UML, and Maoist -- in an effort to broker some solution to the ongoing electoral violence. While there was no major breakthrough, the public welcomed this step.

POWELL